

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MATTHEW ALBRIGHT, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

-against-

TERRAFORM LABS, PTE. LTD., JUMP  
TRADING LLC, DELPHI DIGITAL  
CONSULTING, INC., DO KWON,  
NICHOLAS PLATIAS, LUNA  
FOUNDATION GUARD LTD., JOSE  
MACEDO, KANAV KARIYA, and REMI  
TETOT,

Defendants.

Case No. 1:22-cv-07281-JSR

Hon. Jed S. Rakoff

**ORAL ARGUMENT REQUESTED**

**NOTICE OF DEFENDANT DELPHI DIGITAL CONSULTING, INC'S  
MOTION TO DISMISS THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, Defendant Delphi Digital Consulting, Inc. ("Delphi") hereby moves this Court pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) for an order dismissing Plaintiff's Amended Complaint (ECF No. 42) with prejudice and granting such other relief as this Court deems just and proper. The grounds for the motion are set forth in the accompany memorandum.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's November 17, 2022 Order and the agreement of Plaintiff and Delphi approved by the Court on November 28, 2022, Plaintiff's opposition shall be filed and served on or before December 19, 2022, and Delphi's reply shall be filed and served on or before December 28, 2022. Oral argument is scheduled for January 4, 2023, at 4:00pm, in courtroom 14-B of the United States Courthouse, 500 Pearl Street, New York, New York, 10007.

Dated: December 12, 2022  
New York, New York

Respectfully submitted,

BROWN RUDNICK LLP

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